Customer No. 24498
Ser. No. 10/089,902
Internal Docket No. RCA 89858

Remarks/Arguments

Claims 1-5 and 7-20 are pending. No claims have been amended as part of the present response.

As an initial matter, Applicant notes that the Office action Summary indicates that Claims 1-5 and 7-20 are rejected. However, on page 3 (Item 4) of the Detailed Action, only Claims 1-5 and 7-16 are indicated as being rejected under 35 USC 103(a) as unpatentable over Wasilewski (United States Patent No. 5,420,866) in view of Fernsehens ("Wunderkiste des digitalen", English translation provided by Applicant). Applicant respectfully requests clarification. For purposes of responding to the present Office action, Applicant assumes that all of Claims 1-5 and 7-20 are being rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski '866 in view of Fernsehens. Applicant traverses these rejections and requests reconsideration and allowance of the present claims for at least the following reasons.

To establish a prima facie case of obviousness, all of the recited claim limitations must be taught or suggested in the prior art. See, M.P.E.P. 706.02(j); see also, M.P.E.P. 2143.03 citing In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) ("All words in a claim must be considered in judging the patentability of that claim against the prior art.") and In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). As discussed below, the cited prior art references, both singly and in combination, fail to teach or suggest all of the limitations of Claims 1 – 20, and hence fail to render any of the pending claims unpatentable as a matter of law.

Claim 1 recites inter alia, "extracting at least two service and entitlement control message packet identifier pairs from data associated with said service and automatically identifying one of the extracted pairs according to a predefined convention." The cited art fails to teach or suggest such an extraction and automatic identification.

2

Customer No. 24498
Ser. No. 10/089,902
Internal Docket No. RCA 89858

These limitations are discussed, by way of explanation, in the subject application on page 14, in lines 11-29. The application explains that terminal card 55 processes both CA and XCA streams coming from various sources including broadcaster head-end and playback devices in the home network. Depending on the content received, the host e.g., presentation device 50, may send two pairs of {Service PID, ECM PID} to the terminal card 55, where one pair contains the LECM, the other the CA ECM PID. Hence, there is a need to differentiate between CA ECMs and LECMs.

The method of Claim 1 addresses the problem of differentiating between received PID pairs by defining the first {Service PID, ECM PID} pair to be a predetermined one of the PIDs, where multiple pairs are provided, such that the LECM PID or CA ECM PID is defined by convention. *See, e.g., specification, page 14, lines 21-23.*

Wasilewski fails to even contemplate such a problem, let alone provide a solution thereto. The Office action asserts Wasilewski teaches extracting at least two service and entitlement control message packet identifier pairs from data associated with the service, and automatically identifying one of the extracted pairs according to a predefined convention *(see 4/28/06 Office action pg 3, ll 7-9).* Applicant respectfully disagrees.

Wasilewski is directed to providing a plurality of different sets of conditional access information to a remote location and facilitating access to a selected one of the sets of conditional access information by a decoder at the remote location. *See, col. 5, lines 37-43.* Generally, Wasilewski teaches a decoder at the remote location can employ the transmitted table to identify and extract the transport packets that carry a selected one of the sets of conditional access information. However, Wasilewski does not disclose or suggest extracting at least two service and entitlement control message packet identifier pairs and automatically identifying one of the extracted pairs based on a predefined convention. *See, col. 5, lines 59-62.* This is confirmed in column 13, lines 2-13 of Wasilewski, wherein it teaches:

3

Customer No. 24498
Ser. No. 10/089,902
Internal Docket No. RCA 89858

> As can be appreciated, the use of a conditional access table in accordance with the present invention enables different decoders, each operating in accordance with a different conditional access system, to be employed in the same communications system. <u>Each decoder can retrieve its associated EMM stream by first accessing the transmitted Conditional Access Table to determine the PID value of the Transport Packets that carry that EMM stream, and then extracting every incoming Transport Packet whose PID value matches the specified value.</u>

Thus, while multiple sets of conditional access information may be available to the Wasilewski decoder, Wasliewski merely teaches to extract the one that is associated with it – and not extracting <u>at least two</u> service and entitlement control message packet identifier pairs from data associated with said service, as is recited by Claim 1.

Further, as Wasilewski only extracts the one set of conditional access information that is associated with it, there is no need to differentiate between multiple ECMs. Consistent with the above passages, Wasilewski also fails to teach or suggest automatically identifying one of the extracted pairs according to a predefined convention.

Applicant notes the secondary reference Fernsehens is not relied on in the Office action for such teachings. Accordingly, Applicant requests reconsideration and removal of the rejection of Claim 1, as the prior art as applied in the Office action fails to teach or suggest at least: "extracting at least two service and entitlement control message packet identifier pairs from data associated with said service and automatically identifying one of the extracted pairs according to a predefined convention", as is recited by Claim 1.

Applicant also requests reconsideration and removal of the rejections of Claims 2 and 3 as well, at least by virtue of these claims' ultimate dependency upon a patentably distinct base Claim 1.

With regard to independent Claim 4, it recites in part, "extracting service and entitlement control message packet identifier pairs from data associated with said

4

service; and, ... <u>automatically identifying at least one of the extracted pairs</u> <u>according to a predefined convention.</u>" Accordingly, Applicant submits Claim 4 is distinguishable from the cited art for reasons analogous to those set forth above with regard to Claim 1. Applicant requests reconsideration and removal of the rejection of Claim 4 as well. Applicant also requests reconsideration and removal of the rejections of Claims 5-16, at least by virtue of their ultimate dependency upon patentably distinct base Claim 1.

Turning now to Claim 17, it recites in part, "extracting service and entitlement control message packet identifier pairs from data associated with a service; and, ... <u>automatically identifying at least one of the extracted pairs as a</u> <u>local entitlement control message according to a predefined convention.</u>" Applicant submits Claim 17 is distinguishable from the cited art for reasons analogous to those set forth above with regard to Claim 1. Applicant requests reconsideration and removal of the rejection of Claim 17.

In similar fashion, independent Claim 18 recites in part, "extracting service and entitlement control message packet identifier pairs from data associated with a service; and ... automatically identifying at least one of the extracted pairs as a broadcast entitlement control message according to a predefined convention." Accordingly, Applicant submits Claim 18 is distinguishable from the cited art for reasons analogous to those set forth above with regard to Claim 1. Applicant requests reconsideration and removal of the rejection of Claim 18.

Independent Claim 19 recites in part, "identifying, in the datastream, at least two service and entitlement control message packet identifier pairs associated with said service." Accordingly, Applicant submits Claim 19 is similarly patentable for the reasons discussed with regard to Claim 1. Wherefore, Applicant requests reconsideration and removal of the rejection of Claim 19 as well. Applicant also requests reconsideration and removal of the rejection of Claims 20, at least by virtue of its dependence from patentably distinct base Claim 19.

5

Customer No. 24498
Ser. No. 10/089,902
Internal Docket No. RCA 89858

CONCLUSION

In view of the foregoing, applicant believes he has addressed all outstanding grounds raised in the outstanding Office action, and respectfully submits the present case is in condition for allowance, early notification of which is earnestly solicited.

Should there be any questions or outstanding matters, the Examiner is cordially invited and requested to contact Applicant's undersigned attorney at his number listed below.

Respectfully submitted,

Ahmet Mursit Eskicioglu et al.

By: Paul P. Kiel
Attorney for Applicants
Registration No. 40,677
(609) 734-6815

THOMSON Licensing Inc.
PO Box 5312
Princeton, NJ 08543-5312

Date: _July 20, 2006_

6